

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

Coozie Britton, Jr.,

Plaintiff,

-vs-

Walmart Stores East, LP,

Defendant.

Case No. 2:15-cv-96

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Pursuant to 28 U.S.C. § 636, the court has received a Report and Recommendation from the Honorable Alice R. Senechal, United States Magistrate Judge.¹ The Report and Recommendation recommends that Defendant Walmart Stores East, LP's motion to dismiss be granted and Plaintiff Coozie Britton, Jr.'s suit be dismissed without prejudice. The recommended grounds for dismissal are two-fold: (1) venue is improper in this court; and (2) Britton has failed to state a claim for discrimination. Britton filed objections to the Report and Recommendation, asserting the magistrate judge failed to consider evidence in the record that would establish a *prima facie* claim for discrimination.² Britton, however, has pointed to nothing in the record to establish that venue is proper in this court.

After reviewing the record and the magistrate judge's Report and Recommendation, the court finds the magistrate judge's analysis of the motion and recommendations for disposition is appropriate. Britton has not persuaded the undersigned that he has presented sufficient facts to state a plausible discrimination claim. More importantly, venue is improper, as the Walmart store at issue is not in North Dakota, none of the alleged

¹ Doc. #37.

² Doc. #40.

unlawful conduct took place in North Dakota, and none of the employment records at issue are maintained or administered in North Dakota. Accordingly, the court hereby adopts the Report and Recommendation in its entirety. Defendant's motion to dismiss is **GRANTED**. This case is hereby dismissed without prejudice.

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 25th day of August, 2016.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court